

REMARKS

This amendment is being filed concurrently with a Request for Continued Examination. Applicant requests reconsideration of the rejected claims in view of the amendments to the claims and the arguments below.

Claims 6-36 and 39-97 are presently pending, of which claims 36, 39, 44, 53-55, 64-66 and 73 are independent. In this amendment, claims 6, 11, 14-16, 19, 23, 25, 28-32, 36, 39, 44, 49-53, 55, 60-64, 66-69 and 73 have been amended, and claims 1-5, 37 and 38 have been cancelled. No new matter has been introduced.

Initially, applicant thanks the Examiner for the telephone interview granted on May 18, 2006, the substance of which is incorporated by the above amendments.

As an administrative matter, the advisory action did not explicitly address whether the after-final amendment filed on February 28, 2006 that rewrote claims, which were indicated to be allowable, in independent form was entered. Applicant has made further amendments in the present amendment under the assumption that the after-final amendment filed on February 28, 2006 has been entered.

**Claims 6-36, 49-53, 60-64, 67, 70-72 and 83-90**

In response to the final action's indication that claims 36, 53 and 64 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims, applicant rewrote claims 36, 53 and 64 in independent form to include limitations of their respective base claims in the prior response filed on February 28, 2006. See Office action of Dec. 28, 2005 at page 20, lines 2-4. The advisory action mailed March 27, 2006 maintained the rejections and did not explicitly address these claims.

In the present amendment, independent claims 36, 53 and 64 have been amended to be consistent with issues identified by the Examiner in the telephone interview of May 18, 2006.

Accordingly, applicant submits that independent claims 36, 53 and 64 are allowable, as are their respective dependent claims 6-35, 49-52, 60-63, 67-72 and 83-90.

**Claims 39-43, 54, 65 and 91-97**

In response to the final action's indication that claims 39, 54 and 65 would be allowable if written in independent form including all of the limitations of the base claim and any

intervening claims, applicant rewrote claims 39, 54 and 65 in independent form to include limitations of their respective base claims in the prior response filed on February 28, 2006. See Office action of Dec. 28, 2005 at page 20, lines 12-14.

Accordingly, applicant submits that independent claims 39, 54 and 65 are allowable, as are claims 40-43 and 91-97, which depend from one of independent claims 39 or 54.

**Rejections of Claims 1-6, 8-10, 16-22, 25-27, 29-34, 44-48, 50-52, 55-59, 61-63, 66-69 and 73-82 Under Section 103**

Claims 1-6, 8-10, 16-22, 25-27, 29-34, 44-48, 50-52, 55-59, 61-63, 66-69 and 73-82 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman (U.S. Patent No. 6,714,791) in view of Hendrey et al. (U.S. Patent Application No 2003/0060214).

Applicant has cancelled claims 1-5, 37 and 38, which renders the rejection of these claims moot. Claims 6, 8-10, 16-22, 25-27, 29-34, 50-52, 61-63 and 67 depend from one of the independent claims 36, 39, 53, 54, 64 or 65. Accordingly, for at least the reasons discussed above with respect to claims 36, 39, 53, 54, 64 or 65, applicant submits that claims 6, 8-10, 16-22, 25-27, 29-34, 50-52, 61-63 and 67 are allowable and requests reconsideration and withdrawal of the rejection of these claims.

Independent claim 66 has been amended to recite limitations similar to claim 64 and do so in the context of a system. Applicant notes that claim 66, unlike claim 64, does not recite “*by, at least, making available* the geographical location information.” Emphasis added. Rather, claim 66 recites, *inter alia*, means for controlling dissemination of notification information related to the first communications identity based on whether the temporal condition is satisfied *by making available* the geographical location information associated with the first mobile device to the communications identities of the participant list associated with the second communications identity conditioned on the temporal condition being satisfied. Emphasis added.

Accordingly, for at least the reasons discussed above with respect to claim 64, applicant submits that independent claim 66 is allowable and requests reconsideration and withdrawal of the rejection of this claim.

As amended, independent claims 44, 55 and 73 each recite accessing notification setting information that identifies a temporal condition including at least one temporal period during

which notification information is to be provided or withheld, *where the notification setting information defines a duration and specifies at least one of a beginning and an end of the duration*; determining whether the temporal condition is satisfied, accessing information indicating that the first communications identity associated with a first mobile device is associated with a second communications identity such that the first communications identity corresponds to a person and the second communications identity corresponds to the same person; receiving geographical location information associated with the first mobile device; accessing a participant list of an instant messaging system, the participant list identifying communications identities designated by a user that are associated with the second communications identity; and controlling dissemination of notification information related to the first communications identity based on whether the temporal condition is satisfied by making available the geographical location information associated with the first mobile device to the communications identities of the participant list associated with the second communications identity conditioned on the temporal condition being satisfied. Emphasis added.

Applicant notes that, like allowable claims 36, 53 and 64, claims 44, 55 and 73 recite the limitation “where the notification setting information defines a duration and specifies at least one of a beginning and an end of the duration.” At least for the reasons discussed above with respect to claims 39, 53 and 65, applicant submits that amended claims 44, 55 and 73 are allowable, as are their respective dependent claims 45-48, 56-59 and 74-82. Accordingly, application respectfully requests reconsideration and withdrawal of the rejection of these claims.

#### **Rejection of Claim 7 Under Section 103**

Amended claim 7, which depends from independent claim 36, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in view of Hendrey and further in view of Barclay (U.S. Patent Application No. 2003/0119522). For at least the reasons discussed above with respect to claim 36, and based on its dependency from independent claim 36, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 7.

#### **Rejection of Claims 11-15, 49, and 60 Under Section 103**

Claims 11-15, 49, and 60, which depend, respectively, from independent claims 36, 44, and 55, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in

view of Hendrey and further in view of Gudjonsson et al. (U.S. Patent No. 6,564,261). For at least the reasons discussed above with respect to claims 36, 44 and 55, and based on their dependency from independent claims 36, 44, and 55, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 11-15, 49, and 60.

#### Rejection of Claims 23 and 24 Under Section 103

Claims 23 and 24, which depend from independent claim 36, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in view of Hendrey and further in view of Karstens (U.S. Patent Application No. 2005/0071435). For at least the reasons discussed above with respect to claim 36, and based on their dependency from independent claims 36, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 23 and 24.

#### Rejection of Claim 28 Under Section 103

Claim 28, which depends from independent claim 36, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in view of Hendrey and further in view of Rahman et al. (U.S. Patent No. 6,463,292). For at least the reasons discussed above with respect to claim 36, and based on their dependency from independent claims 36, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 28.

#### Rejection of Claim 35 Under Section 103

Claim 35, which depends from independent claim 36, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedman in view of Hendrey and further in view of deCarmo (U.S. Patent Application No. 2004/0010808). For at least the reasons discussed above with respect to claim 36, and based on their dependency from independent claims 36, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 35.

#### Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims)

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that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance.

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the final Office action dated December 28, 2005, be extended for two months to and including May 28, 2006.

The fee in the amount of \$1240.00 in payment of the Request for Continued Examination (\$790.00) and the Petition for Extension of Time fee (\$450.00) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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